

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RICHARD KERRY DICKERSON

PLAINTIFF

VS.

CIVIL ACTION NO. 5:13-cv-202(DCB)(MTP)

RAYMOND BYRD, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATIONS

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendations (**docket entry 40**), and on the petitioner's Objections thereto (docket entry 41). Having carefully reviewed same, as well as the other pleadings in this case, the Court finds as follows:

Magistrate Judge Parker notes that the plaintiff alleges he filed a grievance pursuant to the Wilkinson County Correctional Facility ("WCCF")'s Administrative Remedy Procedure ("ARP"), complaining of an attack by other inmates. The plaintiff further alleges that his ARP went unanswered. He names Correctional Corporation of America ("CCA") as a defendant because it managed WCCF during the relevant time period and the plaintiff believes it is responsible for its employees' failure to respond to the ARP. The plaintiff has not, however, shown that he suffered any adverse result from the allegedly ignored ARP. In fact, his claims regarding the alleged assault are currently under consideration by Magistrate Judge Parker. Accordingly, the plaintiff's claims regarding his ARP should be dismissed.

At his Spears hearing, the plaintiff informed the court that he did not intend to sue defendants Warden Sims and Connie Pierce. Magistrate Judge Parker recommends that these defendants be dismissed without prejudice.

In his Objections, the plaintiff reiterates that he did file an ARP, and requests an opportunity to prove the allegations in his Complaint. As noted above, Magistrate Judge Parker finds that the plaintiff's claims are currently before the Court and will be given due consideration. The Court therefore finds that the Report and Recommendations should be adopted as the findings of this Court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendations (**docket entry 40**) is ADOPTED as the findings of this Court;

FURTHER ORDERED that the plaintiff's claims regarding an unanswered prison grievance are DISMISSED WITH PREJUDICE;

FURTHER ORDERED that defendants Warden Sims and Connie Pierce are DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this the 6th day of April, 2015.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE